

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DAVID KIVETT,

Plaintiff

v.

NEOLPHARMA, INC., *et al.*,

Defendants.

Case No. 2:20-cv-00664-JDW

ORDER

AND NOW, this 27th day of May, 2021, upon consideration of Defendants Neolpharma, Inc., and Cediprof, Inc.,’s Motion for Summary Judgment (ECF No. 33) and Plaintiff David Kivett’s Opposition thereto (ECF No. 43), for the reasons set forth in the accompanying Memorandum, it is **ORDERED** that Neolpharma’s Motion for Summary Judgment (ECF No. 33) is **GRANTED** as to Mr. Kivett’s fraud claim (Count II) and **DENIED** as to Mr. Kivett’s breach of contract claim (Count I).

BY THE COURT:

/s/ Joshua D. Wolson
JOSHUA D. WOLSON, J.